HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

and

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

W.A.NO.208 OF 2006

-

Between:

The Urban Huts and Slum Dwellers Association,

Rep by its General Secretary, Syed Ismail,

R/o. NTR Nagar, LB Nagar, Saroornagar Mandal,

Ranga Reddy District.

..... Appellant

AND

The Mandal Revenue Officer,

Uppal Mandal,

Ranga Reddy District and 2 others.

.....Respondents

::JUDGMENT::

Counsel for the Petitioner : Sri Tulasi Das

Counsel for Respondents : Government Pleader for Assignments

Dated 6/3/2006

Per Shri G.S.Singhvi, CJ

This appeal is directed against order dated 10.2.2006 passed by the learned Single Judge in WVMP No.949 of 2005 and WPMP No.1191 of 2005 in WP No.903 of 2005.

A perusal of the record shows that in the main writ petition, the petitioner has prayed for issuance of a writ in the nature of prohibition to restrain the respondents from demolishing the existing structures in the land comprised in S.No.58 of Fathullaguda Village, Uppal Mandal, Ranga Reddy District on the ground that action proposed to be taken by the respondents is violative of the fundamental rights guaranteed under Articles 14, 15, 19 and 21 of the Constitution.

On 27.1.2005, the learned Single Judge after taking cognizance of the statement made by the learned Government Pleader for Revenue that there are no structures on the land in question and the contrary statement made by the counsel for the petitioner, directed the parties to maintain status quo till 31.1.2005. On the next date of hearing i.e. 2.2.2005, the interim order was directed to continue till further orders.

On 10.2.2006, the learned Single Judge accepted WVMP No.949 of 2005 filed on behalf of the respondents and vacated the interim order by observing that possession of the land was with the Government.

Learned counsel for the appellant argued that the order under challenge is vitiated by an error apparent because while vacating the interim order, the learned Single Judge failed to notice the fact that the land in question had been assigned to his client and possession thereof had been delivered by the competent authority. He submitted that dismissal of the contempt petition filed by his client cannot justify an inference that its members are not in possession of the land comprised in survey No.58.

We have considered the submissions of the learned counsel but have not felt impressed. The learned Single Judge vacated the
ad interim order because the material brought before him clearly established that possession of the land comprised in S.No.58 had been taken over by the Government. In our opinion, once the possession had been taken over by the Government, there could be no justification to allow the members of the petitioner association to occupy the same and again create a situation where the Government land is encroached by third parties.

In view of the above, the appeal is dismissed.

As a sequel to the dismissal of the appeal, W.A.M.P. No.462 of 2006 filed by the appellant for staying the order of the learned Single Judge is also dismissed.

G.S.SINGHVI, CJ

Dt.6/3/2006

G.BHAVANI PRASAD,J

msv